

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 7, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, March 7, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, March 8, 2005.**

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Adding the Committee on Government Efficiency and Openness to the San Diego Municipal Code.
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Increase Funds for Kellogg Park South Restroom Project. (La Jolla Shores Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Washington Street Improvements Phase 2 India Street Segment. (Uptown Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Office Space License Agreement with Wavehouse San Diego, LLC for a Police Department Storefront, located at 3146 Mission Boulevard. (Mission Beach Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Grant Application to California Integrated Waste Management Board for Solid Waste Local Enforcement Agency (LEA).
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Excusing Councilmember Peters from the Rules Committee Meeting of February 16, 2005.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-105: Excusing Councilmember Young from the Natural Resources and Culture Committee Meeting of February 9, 2005.
COUNCILMEMBER YOUNG'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

ITEM-106: Excusing Councilmember Young from the City Council Meetings of March 7–8, 2005, and the Land Use and Housing Committee Meeting of March 9, 2005.

COUNCILMEMBER YOUNG’S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Ratifying the Project Area Committee (PAC) Election Results of February 9, 2005, for the North Park Redevelopment Project Area. (North Park Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

ITEM-201: This item has been removed from the Docket.

ITEM-202: Fiscal Year 2006 Budget Priority Workshop Report.

CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

02/07/2005

02/08/2005

02/14/2005

02/15/2005

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES TO BE INTRODUCED:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, and 106.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-50: Adding the Committee on Government Efficiency and Openness to the San Diego Municipal Code.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-88)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 10, Rule 18, and by adding new Rule 21.1, all related to the Committee on Government Efficiency and Openness.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Increase Funds for Kellogg Park South Restroom Project.

(La Jolla Shores Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-783)

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-29-471.0, Kellogg Park South Restroom (Project), in Fund No. 79514, La Jolla/La Jolla Shores Development Impact Fee by increasing the budget amount by \$50,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000 from CIP-29-471.0, Kellogg Park South Restroom, Fund No. 79514, La Jolla/La Jolla Shores Development Impact Fee, for the purpose of supplementing existing funds for the construction of this project.

CITY MANAGER SUPPORTING INFORMATION:

The existing Kellogg Park South Restroom was constructed in 1958, and the masonry structure is damaged to an extent that is beyond repair or remodel. This project provides for demolishing the existing restroom facility and replacing it with a new facility to be constructed in the same location. Starting in January 1998, twenty eight (28) public meetings were held resulting in numerous redesigns and scope additions to the project. Ultimately, on December 10, 2002, the City received bids for construction of this restroom that were significantly higher than the construction budget. All bids were rejected and the project was put on hold. At that point, \$227,000 of the original \$543,000 project budget had been expended. This initial project work occurred prior to the current streamlining policy, "Community Notification and Input for City-wide Park Development Projects", Council Policy No. 600-33.

In an effort to see the project implemented, the project was subsequently redesigned by Mr. Dale Naegle, FAIA, who donated the majority of his design fees. Louis Beacham, a community resident, has offered to construct the project at cost. A sole source construction contract for \$300,000 was awarded to Beacham Construction, Inc. The combination of donated professional design services and acceptance of the construction proposal via the sole source process has saved the City considerable expense, making it possible for this project to proceed. If this were not done, the project would remain on hold.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

An additional \$50,000 is needed to pay for the minimal redesign costs, building permits, capacity charges and administrative costs. Appropriation of these additional funds will enable completion of the project.

FISCAL IMPACT:

The new total project cost for the current design is \$366,000. Currently \$316,000 is available in the project budget. Additional funding in the amount of \$50,000 is available for this request from La Jolla/La Jolla Shores Development Impact Fees, Fund No. 79514, to supplement existing funding. The total estimated project cost for the original designs plus the current design is \$593,000.

Herring/Oppenheim/AP

Aud. Cert. 2500766.

Staff: April Penera – (619) 525-8223

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Washington Street Improvements Phase 2 India Street Segment.

(Uptown Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-854)

Amending Fund 79512, Uptown DIF, Washington/Goldfinch Intersection Improvements Segment, by appropriating an amount of \$60,000 for Capital Improvement Project CIP-39-216.0 Washington Street Improvements, Phase 2;

Amending the Fiscal Year 2005 CIP budget for CIP-39-216.0 Washington Street Improvements, Phase 2, by increasing the budget amount by \$60,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$60,000 from Fund 79512, Uptown DIF, Washington/Goldfinch Intersection Improvements Segment, in CIP-39-216.0 Washington Street Improvements, Phase 2, solely and exclusively for the purpose of constructing the Washington/Goldfinch Intersection Improvements Segment, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are available.

CITY MANAGER SUPPORTING INFORMATION:

The Washington Street Improvements Project consists of Phased improvements to the right of way along Washington Street from the I-5 Freeway to First Avenue. Phase I has been completed. Two segments of Phase 2, CIP-39-216.0 are now ready to proceed. These include Washington Street at India Street Median Improvements and Washington/Goldfinch Intersection Improvements.

Engineering plans have been prepared for the Washington Street at India Street Median Improvements segment utilizing North Bay Redevelopment funding. In addition, Nowell and Associates has provided landscape plans pro bono. The Mission Hills Business Improvement Association has guided the design process. The construction cost estimate for the median project is \$60,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Washington/Goldfinch Intersection segment is being advertised for bids a second time and has been funded using TransNet and other grant funds. The scope of the project includes over \$60,000 in crosswalk, curb, gutter and sidewalk improvements, which qualify for funding from the Uptown DIF. DIF Funds are available for allocation to this project.

FISCAL IMPACT:

The proposed action is to increase the FY 2005 CIP budget for CIP-39-216.0, Washington Street Improvements Phase 2 by \$60,000, and authorize the appropriation and expenditure of \$60,000 from the Uptown DIF (Fund 79512) in CIP 39-216.0 for use in constructing the Washington/Goldfinch intersection improvements. This action would make \$60,000 in TransNet funds available from the Washington/Goldfinch segment for use in constructing the median improvements at Washington and India Streets.

Herring/Cunningham/SHM

Aud. Cert. 2500733.

Staff: Sue McDevitt – (619) 533-7528

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Office Space License Agreement with Wavehouse San Diego, LLC for a Police Department Storefront, located at 3146 Mission Boulevard.

(Mission Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-875)

Authorizing the City Manager to execute a 16-month license agreement, with an option to extend for up to three additional years, with Wavehouse San Diego, LLC, a California limited liability company, for the Premises located in Belmont Park at 3146 Mission Boulevard, for a Police Department storefront, for no rent, commencing December 1, 2004, on the terms and conditions substantially as set forth in the License Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Wavehouse San Diego, LLC, operators of Belmont Park in Mission Bay Park, has offered office space at no cost to the San Diego Police Department for operation of a police storefront. The Mission Beach Town Council and Wavehouse have agreed to pay the utilities.

The Police Department is proposing to occupy the space under the following terms:

PREMISES: 3146 Mission Boulevard, San Diego.

TERM: Sixteen (16) months with an option to extend for up to three (3) additional years by mutual agreement and City Manager approval.

RENT: None.

UTILITIES COST: None.

USE: Police Storefront.

SIZE: 110 square feet.

FISCAL IMPACT:

None.

Herring/Griffith/JPA

Staff: James Anthony – (619) 533-6509

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: Grant Application to California Integrated Waste Management Board for Solid Waste Local Enforcement Agency (LEA).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-838)

Authorizing the City Manager to submit an application to the California Integrated Waste Management Board (CIWMB) for a Local Enforcement Agency Grant and, if awarded, to accept and expend the grant funds for the purposes set forth in this resolution;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreement, amendments, payment requests, which may be necessary to carry out and administer the obligations, responsibilities, and duties of the City of San Diego Solid Waste LEA under the terms of the grant;

Authorizing the City Auditor and Comptroller to establish a separate fund for these funds.

CITY MANAGER SUPPORTING INFORMATION:

The California Integrated Waste Management Board (CIWMB) is accepting applications for their Local Enforcement Agency (LEA) Grant program. Funds totaling \$1.5 million are to be distributed from the CIWMB to certified LEAs. Pursuant to Public Resources Code Section 43230, these grant awards are to be used solely for support of LEAs' Solid Waste Facilities Permit and Inspection Programs. The City of San Diego Solid Waste LEA was certified in August 1999 by the CIWMB to carry out the duties and responsibilities associated with permitting, inspections and enforcement at solid waste sites.

The City of San Diego LEA proposes to request grant funds for the purchasing of computer equipment and software, office and technical equipment, office supplies, health and safety equipment, medical monitoring program, maintenance of existing field equipment, laboratory services, reference materials, professional memberships, public outreach materials and opportunities, field apparel and for additional training of LEA staff to carry out their regulatory mandates. The City of San Diego Solid Waste LEA is eligible for approximately \$27,800.

FISCAL IMPACT:

If awarded, the City would receive approximately \$27,800. This is not a matching grant.

Frazier/Halbert/RLL

Staff: Rebecca Lafreniere – (619) 533-3694

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Excusing Councilmember Peters from the Rules Committee Meeting of February 16, 2005.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-873)

Excusing Councilmember Scott Peters from attending the regularly scheduled February 16, 2005, Rules Committee meeting, due to his attendance at the California Coastal Commission hearing on the same date.

- * ITEM-105: Excusing Councilmember Young from the Natural Resources and Culture Committee Meeting of February 9, 2005.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-888)

Excusing Councilmember Anthony Young from attending the regularly scheduled Natural Resources and Culture Committee meeting of February 9, 2005, due to personal reasons.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Excusing Councilmember Young from the City Council Meetings of March 7–8, 2005, and the Land Use and Housing Committee Meeting of March 9, 2005.

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-889)

Excusing Councilmember Anthony Young from attending the following regularly scheduled meetings, due to his representing the City of San Diego at the APTA Legislative Conference from March 7-9, 2005:

1. City Council meetings of March 7 and 8, 2005, and
2. Land Use and Housing Committee meeting of March 9, 2005.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Ratifying the Project Area Committee (PAC) Election Results of February 9, 2005, for the North Park Redevelopment Project Area.

(See City Manager Report CMR-05-054. North Park Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-860)

Approving the persons elected as members of the PAC for the North Park Redevelopment Project Area as newly elected members of the PAC, as noted by the City Clerk's verification of the election results of February 9, 2005;

Declaring the Council finds that the election results of February 9, 2005 are valid and binding in accordance with the procedures so adopted by Resolution No. 298703;

Directing the Redevelopment Agency of the City of San Diego to consult with and obtain the advice of the PAC pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

Staff: Tom Romstad – (619) 533-5284

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: This item has been removed from the Docket.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Fiscal Year 2006 Budget Priority Workshop Report.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-898)

Accepting the City Manager's Fiscal Year 2006 Budget Priority Workshop Report.

Staff: Mahoe Nakanelua – (619) 533-6386

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT